



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

NIG

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09:495,710	02/01/2000	Andress Sommer	P66.2717	5203

7590 11/05/2002

SCHIFF HARDIN & WAITE  
PATENT DEPARTMENT  
7100 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER

HOBDEN, PAMELA R

ART UNIT PAPER NUMBER

2882

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/495,710

Applicant(s)

SOMMER, ANDRESS

Examiner

Pamela R. Hobden

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1,2,4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al (US 5,848,126). Fujita et al discloses a computed tomography apparatus comprising a gantry (10) having a measured opening. (figure 4), an x-ray source (12) in the gantry (figure 1A) having a focus from which radiation is emitted, with at least the focus rotating around the measuring opening for irradiating an examination subject from different directions (column 13 lines 59-64), a detector (13) disposed in the opening for obtaining projection datasets corresponding to the radiation incident on the detector as the focus rotates around the measuring opening, (column 13, lines 50-64), a support table having a support plate (figure 1a, 3) adapted to receive an examination subject (p), a carrier, the support plate being non-displaceable mounted cantilevered to the carrier (column 14 line 1-5), and a mechanism for moving the gantry independently of

the support table (figure 23a), including movement of the gantry into a use position wherein the support plate extends through the measuring opening (figure 23a).

Regarding claim2: Fujita discloses a carrier that comprises a floor stand (figure 23a).

Regarding claim 4: Fujita discloses a support table that is movable. (figure 23a).

Regarding Claim 5: Fujita discloses a support table with a longitudinal axis, a gantry with a system axis, and wherein the support table is positionable relative to the gantry so that the longitudinal axis and the system axis when projected into a horizontal plane intersects when the gantry is in the use position. (figure 1A)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al as applied to claim1 above, and further in view of Gordon (US Re 36,099).

Fujita et al's teachings are as shown above. Fujita et al fails to disclose the use of a motor drive for moving the gantry along the system axis to allow scanning of a volume of an examination subject adapted to be received on the support plate in the measuring opening, wherein the mechanism comprises rails along which the gantry is movable. Gordon discloses a tomography apparatus with a drive (32) for moving the gantry along

Art Unit: 2882

the system axis (figure 1) to allow scanning of a volume of an examination subject adapted to be received on the support plate (12) in the measuring opening, wherein the mechanism comprises rails along which the gantry is movable (figure 1). It would be obvious to one skilled in the art to incorporate Gordon's teachings into Fujita's design, as Fujita's design of his figure 23A with a rail design in order to minimize patient movement from table to table. (One could use Fujita's table as a type of "stretcher".) Gordon's gantry also requires less physical manipulation, and would be easier for the operator to manage.

Regarding claim 3: Fujita et al and Gordon fail to disclose the use of a carrier that comprises a ceiling stand. It would be obvious to one skilled in the art to incorporate a ceiling stand for the carrier. One would be motivated to have a ceiling stand for the carrier in order to minimize floor space needed in the examination area, and to allow for increased simplicity of storage for the carrier. It could potentially be swung away when not in use.

### ***Response to Arguments***

5. Applicant's arguments filed 8/7/02 have been fully considered but they are not persuasive. Fujita et al discloses numerous embodiments within his specification. While there are embodiments that disclose a support plate that is displaceable mounted relative to the carrier, there is also a support plate that is non-displacably mounted cantilevered to the carrier. (figure 23A) Figure 23A discloses a gantry that is movable and capable of being moved to the support table, and thus allowing the table to be nonmoving if that is what the user desires.

Art Unit: 2882

Regarding claims 6 and 7, in regards to the Gordon reference, the table it would be obvious to one skilled in the art to fixate legs in any manner that would allow for proper functionality and balance of the table vs. that of the gantry. It would be possible to fixate the rails to the base of the support, leaving a cantilevered table, and still have the gantry affixed to the same rails. One would be motivated to incorporate such a rail system in the figure of 23A, if one wanted to have the two systems combined for relative imaging capability.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela R. Hobden whose telephone number is (703)-306-5435. The examiner can normally be reached on Monday-Friday 8:30-5:00.

Art Unit: 2882

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703)-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-7382 for regular communications and (703)-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

prh  
November 4, 2002

